

Remarks/Arguments

Claims 8 - 15 are pending. Claims 1-7 were previously canceled. Claims 8-10 were rejected in the Office Action dated 03/17/2006. Claims 11-12 were objected to. Claims 13-15 were allowed.

The Examiner objected to claims 11-12, but indicated they would be allowable is rewritten in independent form. Claim 11 has been amended to place it in independent form. Claim 12 depends from claim 11. With these changes both claims are believed to be allowable.

Claim 8 was rejected under 35 USC 103(a) as being unpatentable over Cornish and Adams. The grounds for the rejection were that Cornish discloses the claimed harvester--main frame, feeder house, mounting device and header--but that Adams, discloses the claimed drive train.

Cornish discloses a conventional combine arrangement of a feeder house pivotally coupled to a frame of a combine to move up and down with respect thereto, the feeder house having a front mount in which the header is removably supported to move up and down when the feeder house is pivoted up and down.

Cornish does not disclose a drive system for the combine header, just the pivotal mounting of the feeder house to the vehicle.

Adams discloses an alternative header arrangement in which there is no mounting device on the feeder house on which the header is supported, and further wherein the header is moved up and down with respect to the ground by alternately collapsing and extending the feeder house, which is in two telescoping sections (Adams, col. 8, lines 23-28).

Adams further discloses a drive system for driving the sickle bar of the header that uses a telescoping sickle drive train (items 110,111, col. 7, lines 40-50;) that telescopes in the same direction as the feeder house in order to accommodate the telescoping movement of the feeder house (col. 8, lines 42-45). The front end of the sickle drive train is mounted to the rear wall (32) of the header (Adams, col. 8, lines 7-16). The rear of the sickle drive train is mounted on the rear sidewall of the telescoping feeder house. There is no connection between the auger of Adams and

the sickle drive train, nor does Adams disclose any means for driving the Adams header cross-auger.

First, while Cornish teaches a feeder house having a “mounting device” and a header being releasably mounted to the mounting device” (claim 8) neither Cornish nor Adams teaches “a header drive shaft supported from the mounting device” as recited in claim 8. Cornish teaches no sickle drive at all. Adams teaches a telescoping sickle drive train (110,111) mounted to the rear wall of the header at its front end, and mounted on the rear sidewall of the feeder house at its rear end.

A combination of the two references would produce a Cornish header supported on a Cornish header mount with an Adams sickle drive mounted to the rear wall of the Cornish header. It would not disclose any drive shaft of the Adams sickle drive mounted to the Cornish header mount.

Second, the Adams sickle drive drive shaft is not a header drive shaft “mounted on the mounting device and supported by the mounting device when the header is released from the mounting device” as required by claim 8. Again, Adams has no mounting device and the sickle drive arrangement is mounted on the rear wall of the Adams header.

Third, and assuming for the sake of argumentation that the Adams header and slidable front feeder house half can be telescopically “released” (claim 8) from the Adams rear feeder house half, it would appear that the Adams telescoping sickle drive sections 110 and 11 will separate, leaving the rear portion of the sickle drive dangling from a gearbox 97 and sheave 94, which are not a “mounting device” (claim 8) for mounting the header.

Fourth, there is no teaching to combine the drive shaft arrangement of Adams with the feeder house and header of Cornish. The reason the driveshaft arrangement is used in Adams is to provide a telescoping sickle drive train that will permit the feeder house to telescope while maintaining a drive connection to the sickle bar of the Adams' header (Adams, column 8, lines. Since the Cornish feeder house is not telescoping there is no reason to employ the driveshaft telescoping solution of Adams, and hence no teaching to combine the telescoping sickle drive

train of Adams with the non-telescoping Cornish feeder house.

Claim 9 was rejected under 35 USC 103(a) as being unpatentable over Cornish and Adams in view of Beougher.

The Examiner's grounds for the rejection were that Beougher discloses a header 11 with a center part 17, and a side part 18 having a transport position and a work position, wherein a secondary drive shaft 49 on the center part 17 is connected to a center drive shaft 47 so that "the side part 18 can be brought into the transport position without separating the drive connection between the secondary drive shaft 49 of the center part 17 and the header drive shaft 49" (See Office Action, page 3).

Beougher discloses a header having wing sections that are pivotable between a transport position (Beougher, Fig. 1) and an operating position (Figs. 2, 10). Each wing section has its own cross-auger portion with drive shafts that are disconnected from the center section when the wing sections are folded for transport as shown in Figure 1.

First, claim 9 is patentable as dependent upon claim 8, which is patentable for all the reasons provided above.

Second, drive shafts 49 are not on the center part (per the Examiner) but are on the wing parts of the Beougher header.

Third, contrary to the Examiner's statements, drive shafts 49 (of the wing parts) are disconnected from drive shaft 47 (of the center part) when the wing parts 18 are folded for transport as shown in Figure 1.

Fourth, Beougher discloses a folding three-section cross-auger with various drive shafts inside the auger sections. Adams discloses a header sickle drive system. There is no teaching or suggestion in either reference to connect the sickle drive of Adams to the auger of Beougher.

The Examiner rejected claim 10 as being unpatentable over Cornish and Adams and further in view of Izakson. The grounds for the rejection were that Cornish and Adams disclose the feeder house, mounting device and drive train of claim 8 and Izakson discloses a "slope equipment that keeps the main frame oriented horizontally when traveling over a slope."

First, claim 10 is allowable as a claim dependent upon claim 8, which is otherwise allowable.

Second, Izakson is not believed to show "a slope equipment that keeps the main frame [of the harvester] oriented horizontally when traveling over a slope. Izakson appears to be directed at repositioning the feeder house conveyor when operating on a slope and not the main frame of the harvester.

We note, however, that Cornish is directed to a system for leveling the harvester main body when traveling on a slope by raising and lowering arms to which the front wheels are mounted. See, for example, Cornish, column 8, lines 1-10.

Conclusion

For at least the above reasons, the present amendment is believed to put the application in condition for allowance, and favorable action is respectfully requested.

If for any reason the Examiner believes the present application is not in condition for allowance, Applicant's attorney requests the Examiner to call him at the number listed below.

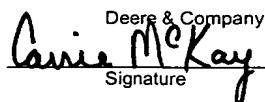
Any fees or charges due as a result of filing of the present paper may be charged against Deposit Account 04-0525. Two duplicates of this page are enclosed.

Respectfully,


Attorney for Applicant(s)

Stephen M. Patton
Reg. No. 36,235
Patent Department
Deere & Company
One John Deere Place
Moline, IL 61265
Telephone No. (309) 765-5543

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
on: 5 June 2006
Date

Deere & Company

Signature

5 June 2006
Date